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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 280th MEETING

Held at Headquarters, New York,
on Wednesday, 1 February 1995, at 3 p.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 3.05 p.m.

STATEMENT DELIVERED ON BEHALF OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Ms. STAMATOPOULOU (Chief, Centre for Human Rights, New York Office), speaking on behalf of the United Nations High Commissioner for Human Rights, said that the World Conference on Human Rights, held at Vienna in 1993, had actively promoted the human rights of women. In that connection, the contribution of CEDAW had been invaluable.

2. Since his appointment, the High Commissioner had attached particular importance to the equal status and human rights of women and had accorded priority to activities for women sponsored by the Centre for Human Rights. On his visits to countries, he systematically raised women's concerns with government officials and non-governmental organizations and inquired, in particular, about the impact of economic adjustment or transitional policies on women's rights. On those visits, he also called for the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000, as recommended in the Vienna Declaration and Programme of Action. Following up the implementation of the Committee's recommendations and those of the Special Rapporteur on violence against women were an integral part of his mandate.

3. Progress had been achieved in integrating women's human rights into the mainstream of United Nations human rights activities. Many of the resolutions adopted by the Commission on Human Rights at its fiftieth session included references to women. The Commission had also taken the historic decision to appoint a Special Rapporteur on violence against women. Technical assistance in the field of human rights, including assessment missions, took account of the situation of women in the countries concerned and technical assistance projects included measures designed to improve the human rights of women. In some countries, women had been recruited to implement technical assistance projects. A roster of women experts in the field of human rights was currently being developed.

4. Concerning pertinent developments in other human rights treaty bodies, it should be noted that the fifth meeting of persons chairing the human rights treaty bodies had urged the treaty bodies to take all appropriate measures to respond to massive human rights violations and, where necessary, to bring them to the attention of the High Commissioner and the Secretary-General. In that connection, the Chairpersons had proposed holding a meeting with the Secretary-General in 1995. They had also recommended that the Security Council should focus increasing attention on human rights violations, which were often a sign of instability and of threats to peace, and that it should take into account information provided by the treaty bodies and the early warning measures they adopted. A number of treaty bodies had established preventive and early warning mechanisms and taken steps to enhance their ability to respond effectively to human rights violations.

5. At a meeting scheduled for 1995, the Chairpersons would discuss how the treaty system could be more effective in promoting and monitoring the observance of the human rights of women. They had indicated that annual rather than biennial meetings would be more effective in ensuring closer coordination among them, a recommendation which had been endorsed by the General Assembly in its resolution 49/178.

6. The Committee on the Elimination of Racial Discrimination had continued to offer technical assistance and its good offices in order to promote dialogue. It had dispatched a technical assistance mission to Croatia in March 1994. Alarmed by the increasing number of racially and ethnically motivated massacres and atrocities all over the world, the Committee had also adopted a general recommendation concerning the establishment of an international tribunal with general jurisdiction to prosecute the perpetrators of crimes against humanity.

7. The Committee against Torture had stressed the need to establish mechanisms at both the national and international levels for the prevention of human rights violations and, in particular, of torture in detention centres. The Committee was following the work of the open-ended working group of the Commission on Human Rights, established to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

8. The Human Rights Committee attached particular importance to States parties' compliance with the non-discrimination clauses contained in articles 2, 3 and 26 of the International Covenant on Civil and Political Rights. The list of issues it prepared in considering States parties' reports always included questions concerning the participation of women in political, economic, social and cultural life and male and female enrolment in schools and universities. The concluding comments adopted by that Committee almost always contained recommendations concerning the adoption of additional measures to enhance respect for the rights of women under the Covenant. The Committee had also developed jurisprudence relating to the protection and promotion of women's human rights in individual cases under the Optional Protocol to the Covenant.

9. During its fifty-second session, the Committee had decided to update its general comment No. 4 (13) concerning equal rights of men and women by emphasizing, in particular, the question of discrimination against women. It had also adopted a general comment concerning reservations to the Covenant and its Optional Protocol. That general comment identified principles of international law by which the acceptability of States parties' reservations could be gauged. The Human Rights Committee was aware that reservations made to the Convention on the Elimination of All Forms of Discrimination against Women were numerous and, at times, far-reaching.

10. The Committee on Economic, Social and Cultural Rights had continued to focus attention on gender-related issues and on measures undertaken by States parties to ensure the equality of men and women in economic, social and cultural life. In that connection, the deliberations and concluding comments of CEDAW had proved to be a valuable input for the Committee's work. It had also begun consideration of a report on a draft optional protocol concerning economic, social and cultural rights and had adopted a general comment recommending that

States parties should take practical measures to eliminate discrimination against persons with disabilities. It had adopted a statement on economic, social and cultural rights in the context of the World Summit for Social Development and two draft decisions for adoption by the Economic and Social Council one of which concerned the holding of an extraordinary additional session and a pre-sessional working group in 1995 in order to deal with a backlog of State party reports.

11. The work of the Committee on the Rights of the Child in the past year had been extremely relevant to the work of CEDAW. States parties were required to provide in their reports, gender-specific information and statistical data and indicators on a number of issues covered by the Convention on the Elimination of All Forms of Discrimination against Women. The Committee on the Rights of the Child invariably addressed such issues as discrimination against the girl child, early marriage, maternal health care, early pregnancies, family-planning education and services, prejudicial health practices, the denial of educational opportunities for girls, the exploitative use of girls in child labour and sexual abuse and exploitation. Its concluding comments included suggestions for preventive, remedial and rehabilitative action to deal with those problems.

12. The thematic issues considered during its general debates had highlighted the situation of the girl child. For example, in 1993 it had focused on the economic exploitation of the child and in 1994 on the role of the family in the promotion and protection of the rights of the child. The results of the debate on the girl child during its most recent session would be reflected in the draft Platform for Action to be adopted by the Fourth World Conference on Women.

13. Ms. SCHÖPP-SCHILLING said that, since a focal point had recently been appointed at the Centre for Human Rights in Geneva, it would have been useful for that person to attend the current session.

14. Ms. BUSTELO GARCIA DEL REAL suggested that it would be useful for the representative of the Centre for Human Rights to be informed that the Committee had decided to ask Rwanda for a special report on the situation of women's human rights in that country.

15. The CHAIRPERSON said she would also write to the High Commissioner, informing him of the Committee's particular concern regarding Rwanda.

CONTRIBUTION OF THE COMMITTEE TO INTERNATIONAL CONFERENCES (continued)

16. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) read out the opinion of the Legal Counsel in response to the Committee's inquiry as to whether its special session, to be held at Madrid from 27 April to 1 May, could be considered formal. Citing article 20 of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180, annex), rule 2, paragraphs 1 and 2 and rule 3, paragraphs 1 and 2 and footnote c of the rules of procedure (A/38/45), and General Assembly resolution 31/140 on the pattern of conferences, paragraph 5, the Legal Counsel had indicated that the Committee could convene a formal special session, provided that it did so in consultation with the Secretary-General and subject

to any relevant decisions taken by the Committee on Conferences concerning the calendar of conferences.

17. The Committee should bear in mind, however, that a formal session would have to be conducted like its regular sessions at Headquarters - in other words, in the six official languages of the United Nations with summary record coverage. The Committee would also have to adopt a report. The Committee on Conferences could not provide conference facilities on the dates indicated but a formal session could be organized outside the scope of the United Nations with the support of the host Government under a host country agreement. As the invitation had been extended on relatively short notice, however, it was his impression that the Spanish Government did not have sufficient time to organize a full-scale formal session.

18. He recalled that just prior to the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held at Nairobi, the Committee had been in a similar situation in that it had been unable to complete its document for the Conference during its regular session. It had therefore adopted its document ad referendum and had provided clear guidance to its Chairperson on how she should complete the work. A similar procedure could be followed in order to complete the document which the Committee would contribute to the Fourth World Conference on Women. The Committee could provide its input and guidance to the Chairperson at Madrid during an informal session.

19. Ms. CARTWRIGHT asked whether the Spanish Government would provide interpretation and other conference and support services.

20. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that he had been unofficially informed that the Spanish Government would provide interpretation into English, French and Spanish.

21. Ms. MONGELLA (Secretary-General of the Fourth World Conference on Women) expressed her sincere gratitude to the Government of Spain for its invitation and, in general, for the tremendous support it had provided to the preparatory process for the Beijing Conference. The situation brought out the need to strengthen the servicing of CEDAW, and she sincerely hoped that, once the Conference was over, serious consideration would be given to the need to strengthen institutions for women. Unlike other institutions, their resources were often quite limited. As one of the major bodies dealing with women's issues the Committee's input to the Conference was vital.

22. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), responding to a question from Ms. GARCIA-PRINCE, said that if the Committee followed the procedure he had suggested, the resulting document would be considered fully legitimate.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

Report of Working Group I

23. Ms. BERNARD, speaking as Chairperson of Working Group I, introduced the latter's report (CEDAW/C/1995/WG.I/WP.2 and Add.1) and drew particular attention to the Guidelines contained in annex I and to the draft General Recommendation contained in the addendum.

24. Ms. MONGELLA (Secretary-General of the Fourth United Nations World Conference on Women), referring to paragraph 11 (b), suggested that the Committee should consider holding one workshop, rather than two.

25. With regard to paragraph 7, she said that it should not be assumed that the Centre for Human Rights would be able to provide additional resources; thus moving to Geneva would not of itself make the Committee's work any easier. The Committee should think carefully before it decided to relocate.

26. The CHAIRPERSON proposed that the Committee should consider the report paragraph by paragraph.

Paragraph 1

Paragraph 1 was adopted.

Paragraphs 2 to 4

27. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), responding to a question from Ms. ABAKA, said that in the past, when a State party whose report was scheduled for consideration at a given session failed to appear, the Committee had not rescheduled the report for the next session.

28. Ms. GARCIA-PRINCE, supported by Ms. SINEGIORGIS, said that States parties should be given only one opportunity to present their reports.

29. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) suggested that the Committee might wish to add a separate paragraph whereby the Committee would request the Secretariat to inform those States parties that had not appeared to present their reports as scheduled, of the Committee's concern, particularly in view of the large number of States whose reports had yet to be considered and that the Committee would revert to those reports at a subsequent time. It would also inform those States parties that they should be prepared to update the reports when they did ultimately present them.

30. It was so decided.

31. Ms. GARCIA-PRINCE, supported by Ms. KHAN, suggested that when a State Party did not appear to present its report, a report from the same geographical region should be substituted.

32. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that the Committee had established order of receipt as the primary criterion for selecting reports for consideration, followed by geographical balance. A change in the criteria would mean establishing automatic reserve lists for each of the five regions represented.

33. The CHAIRPERSON said that it would be difficult to do that; there was usually very little notice that a State party would not appear.

34. Paragraphs 2 to 4 were adopted.

35. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), in response to a question from the CHAIRPERSON, said that the sessions of CEDAW were scheduled, so that their results could be reported to the Commission on the Status of Women, which ordinarily met in March. As a cost-saving measure, the meetings of States parties were held immediately following the sessions of the Committee in order to economize on Secretariat travel costs from Vienna to New York. If the Committee were to move its seat to Geneva, however, that would no longer be a factor.

36. Paragraph 5 was adopted.

Paragraph 6

37. Paragraph 6 was adopted.

Paragraph 7

38. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) recalled that, under the terms of the Convention, responsibility for servicing the Committee had been entrusted to the Secretary-General. Since the recommendation that the Committee should relocate to Geneva might require additional resources - the precise amount of which could not be determined precisely at the current stage - the Secretary-General intended to report on the programme budget implications of that recommendation to the General Assembly at its fiftieth session in accordance with established procedure. The final decision on the Committee's recommendation would be made by the General Assembly.

39. Ms. ABAKA said that the Committee must be sure that its requirements could be met in Geneva before taking a decision.

40. Ms. GARCIA-PRINCE said that, although she understood the rationale for the recommendation, having a presence at Headquarters would help the Committee maintain its relationships with specialized agencies such as UNIFEM. The Committee should carefully weigh the relative advantages and disadvantages of moving.

41. Ms. BARE wondered what effect such a move would have on the closer working relationship that was developing between CEDAW and UNIFEM.

42. Ms. OUEDRAOGO said that women's problems were often closely related to development, and it might be an advantage to remain at Headquarters from that standpoint.

43. Ms. BUSTELO GARCIA DEL REAL said that the proposed move to Geneva, the centre of United Nations human rights activities, was a logical consequence of what had been achieved at the World Conference on Human Rights and of the Committee's growing importance. The Committee must take advantage of its relationship with the Commission on the Status of Women to maintain a relationship with other agencies in the United Nations system and must endeavour to ensure that other human rights bodies and the Centre for Human Rights accorded due importance to its work.

44. There should not be additional budgetary costs since the costs could be transferred to the Centre for Human Rights. The argument regarding UNIFEM was irrelevant. The Fourth World Conference on Women would be an ideal opportunity for the Committee to express its concerns about the difficulties it was experiencing in carrying out its work and the importance of its work being integrated with the central structure of United Nations human rights activities.

45. Ms. BERNARD drew attention to the draft resolution concerning the proposed move to Geneva, which was being circulated to members in English.

46. Ms. SINEGIORGIS and Ms. SCHÖPP-SCHILLING said that the Committee should defer consideration of the matter until the text was available in all languages.

47. The CHAIRMAN said that the Committee would defer its consideration of paragraph 7.

Paragraphs 8 and 9

48. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women) said that it was estimated that an additional $55,000 per biennium would be required if the Committee endorsed the recommendation in paragraph 8. The programme budget implications would be submitted to the General Assembly at its fiftieth session in accordance with established procedure. Pending a decision by the General Assembly, the travel expenses for 1995 would be met from the funds already appropriated to the Committee, subject to their availability.

49. Ms. SHALEV asked what Mr. Mathiason had meant by saying that funding was subject to the availability of resources.

50. Ms. CARTWRIGHT said that the funds for the current year had already been approved. The Secretariat would have to try to save money in other areas in order to meet the Committee's request. It was her understanding that the Working Group was asking the Secretariat to do its utmost to provide funding from the existing budget.

51. Ms. JAVATE DE DIOS said that the question of resource allocation should be given the highest priority. It was very important for the Chairperson to be able to promote the work of the Committee. The costs of her attendance at

meetings should not be incidental expenses from extra savings but should be covered from the regular budget.

52. Mr. MATHIASON (Deputy Director, Division for the Advancement of Women), responding to a question from Ms. OUEDRAOGO, said that all treaty bodies provided for travel by the Chairperson on an ad hoc basis using savings within the normal allotment for travel expenses of representatives of those bodies.

53. Ms. SINEGIORGIS said that if the Committee did not adopt the paragraphs, the Chairperson might not be able to attend all the meetings listed.

54. Paragraphs 8 and 9 were adopted.

Paragraph 10

55. Paragraph 10 was adopted.

Paragraph 11

56. The CHAIRPERSON recalled that the Committee needed to decide whether to hold one or two workshops at the Fourth World Conference on Women.

57. Ms. KHAN said that the Committee should maintain the provision for two workshops.

58. Ms. BARE agreed, adding that it should concentrate on the workshop on ways and means to publicize the Convention and let the United Nations Educational, Scientific and Cultural Organization (UNESCO) play the dominant role in organizing the joint workshop.

59. Ms. SCHÖPP-SCHILLING recalled that there was also a possibility of organizing a workshop on the role of women in development, in conjunction with UNIFEM.

60. Ms. SINEGIORGIS said that she would prefer to leave paragraph 11 (b) as it stood. It would be a good idea to have a workshop on women and development.

61. Ms. JAVATE DE DIOS agreed, adding that it should not be too difficult to hold two workshops.

62. The CHAIRPERSON pointed out that since UNESCO had offered to organize a workshop, that one should be held if at all possible.

63. Ms. SHALEV said that she was concerned about the Committee trying to do too much; she would prefer to concentrate on the workshop on ways and means to publicize the Convention; the Committee could, perhaps, sponsor workshops with UNESCO and UNIFEM.

64. Paragraph 11 was adopted.

The meeting rose at 6.10 p.m.